

TOWN OF EATONVILLE

Agenda Staff Report

Agenda Item No.:		Meeting Date:	<u>December 14, 2015</u>
Subject:	<u>Ordinance Banning Hunting Within</u>	Prepared by:	<u>Town Attorney</u>
	<u>Town Limits and Providing Penalties</u>		
	<u>For Violations</u>	Atty Routing No:	<u>045-15</u>
		Atty Review Date:	<u>December 10, 2015</u>

Summary: The Town's Public Safety Committee recently looked into hunting within Town limits and the potential risks posed by such activities. Risks include, but are not necessarily limited to, bodily injury to residents, children and visitors as well as damage to property and domestic pets. Article XI, Section 11 of the Washington State Constitution gives the Town authority to make and enforce within its limits all such local police, sanitary and other regulations as are not in conflict with general laws. Pursuant to Title 77 RCW, Washington's wildlife resources are a public responsibility and the citizens and municipalities of the State share an interest in the preservation, protection and perpetuation of all wildlife species.

The Town, while being home to many wildlife species, is also an urban community where residents and visitors should enjoy an expectation of safety from the inherent dangers associated with hunting. The Public Safety Committee has recommended a ban on hunting within the limits of the Town out of a concern for public safety and the preservation of wildlife.

Recommendation: Staff recommends adoption of Ordinance No. 2015-20 making it a gross misdemeanor to hunt within Town limits and setting penalties for violations.

Motion for consideration: I move to adopt Ordinance No. 2015-20 making it a gross misdemeanor to hunt within Town limits and setting penalties for violations.

Fiscal Impact: None

Attachments: Proposed Ordinance No. 2015-20

9.33.020 Miscellaneous crimes – Chapter 9.91 RCW et seq. adopted.

9.33.030 Hunting Prohibited and Penalties for Violations.

9.33.010 Definitions.

For the purpose of this chapter, the following terms are defined and understood to mean the following:

A. "Hunting" or "To hunt," shall be defined herein as an effort to kill, injure, harass, harvest, or capture an animal or bird.

9.33.020 Miscellaneous crimes – Chapter 9.91 RCW et seq. adopted.

The following provisions of Chapter 9.91 RCW are hereby adopted including any subsequent amendments thereto: 9.91.010, 9.91.020, 9.91.025, 9.91.120, 9.91.130, 9.91.150(2).

9.23.030 Hunting Prohibited and Penalties for Violations.

(1) It is unlawful to hunt, or attempt to hunt, any animal or bird on public property within the Town of Eatonville; provided, that this section shall not apply to the following persons or activities:

A. The hunting of animals or birds by law enforcement officers or game department personnel while engaged in the performance of their official duties;

B. The nonlethal trapping or capturing of animals or birds by means designed to ensure the safety and well-being of the animals; and

C. The hunting of animals or birds on private property with the express permission of the owner or owners and not closer than 500 feet from any dwelling or access way on adjacent public or private property.

(2) Any person convicted of a violation of this section shall be guilty of a gross misdemeanor, punishable by a fine of not less than \$250.00 and not more than \$1,000.00, or by imprisonment of not more than 364 days, or by both the fine and imprisonment.